

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Donald Mack Bennett, :
Plaintiff, : 07 Civ. 7002 (PKC) (THK)
-against- :
Dr. Bailey, P.A. Rose Dickerson, :
Westchester County Correction :
Health Services :
Defendants. :
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ORDER

THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE.

This prisoner's civil rights action was referred to this Court for General Pre-Trial Management. Plaintiff filed his Complaint on August 6, 2007. As of this date, neither the Court file, nor the docket sheet, reflects that Plaintiff has served the Defendants with the Summons and Complaint.

On August 15, 2007, the Court's Pro Se Office directed the Complaint and Summons package, which is usually given to pro se plaintiffs directly, to a Mr. Elywin Hutter, located at 4 Cromwell Plaza, White Plains, NY 10601. The reason was that Mr. Hutter forcefully represented that he is an attorney who was considering representing Mr. Bennett in this case, and he requested that the service packet be provided to him. Nonetheless, Mr. Hutter has not made any appearance in this case, has not returned calls placed by

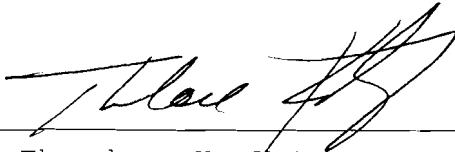
Court staff, and has not made any attempt to contact the Court or prosecute this case. Plaintiff has also failed to make any inquiries as to the status of his case.

In light of the unusual circumstances of this case, the Court hereby ORDERS:

The Pro Se Office shall issue a new Summons, and send the Summons and Complaint directly to Plaintiff, Donald. M. Bennett, at his current address in the Westchester County Jail. The Court further ORDERS that Plaintiff shall have until February 15, 2008 to effect service upon the Defendants named in his Complaint. Failure to effect service by that date could result in dismissal of Plaintiff's case.

The Court reminds Plaintiff that he is under an obligation to immediately notify the Court of any change of address.

SO ORDERED.



Theodore H. Katz
United States Magistrate Judge

Dated: December 26, 2007
New York, New York

Copy Sent to:

Donald M. Bennett
#2007005982
Westchester County Jail
P.O. Box 10
Valhalla, NY 10595-0010